

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA,

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v.

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SUZANNE L. SCHMITZ,

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Case No.: 5:08-CR-14-RDP-PWG

}

Defendant.

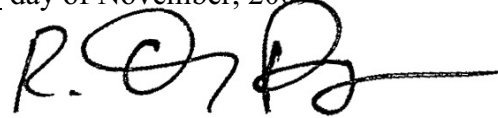
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MEMORANDUM OF OPINION

This matter is before the court on Defendant's Objection to Magistrate Judge's Order Denying Defendant's Motion to Remain on Bond, and Defendant's Appeal to the District Court filed October 15, 2009. (Doc. #193). On February 24, 2009, a jury returned a verdict finding Defendant Suzanne L. Schmitz guilty of three counts of mail fraud and four counts of fraud involving a federally funded organization. (Doc. #133). This court sentenced Defendant on July 22, 2009 to thirty months custody. (Doc. #147). Defendant filed a Notice of Appeal with the Eleventh Circuit on August 31, 2009. (Docs. #155, 157). Defendant then filed a motion to remain on bond pending the outcome of her appeal to the Eleventh Circuit on September 14, 2009. (Doc. #175). The Government filed a response to Defendant's motion to remain on bond on September 25, 2009, and Defendant filed a reply on September 28, 2009. (Docs. #178, 179). The Magistrate Judge denied Defendant's motion to remain on bond pending the outcome of her appeal on October 7, 2009. (Doc. #182).

Having carefully reviewed and considered *de novo* all the materials in the court file, including Defendant's objections, the court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, Defendant's objections (Doc. #193) are **OVERRULED**. A separate order in accordance with this Memorandum of Opinion will be entered.

DONE and **ORDERED** this 24th day of November, 2009

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE